

**MINUTES**  
**Hearing Instrument Specialist Board**  
**July 12, 2006, 9:00 a.m.**  
**Room 402 (formerly 428) - Fourth Floor - Heber Wells Building**  
**160 East 300 South, Salt Lake City, Utah**

**CONVENED:** 9:02

**ADJOURNED:** 11:37

**PRESENT:**

Clyde Ormond, Bureau Manager  
Jacky Adams, Board Secretary

Bruce Sharp                      Paul Littlefield  
Lowell Brown                  Kent Milligan  
Morris Mower

**ABSENT:**

**GUESTS:**

Craig Jackson, Division Director; Keily Ball, Hearing Instrument Specialist; Darlene Saiz, Utah Association of Health Professionals; Gary Leu; Mike Monahan, Accurate Hearing.

**TOPICS FOR DISCUSSION**

**DECISIONS AND RECOMMENDATIONS**

**ADMINISTRATIVE BUSINESS**

Swear in New Board Member

Mr. Ormond administered the oath of office to Mr. Mower and welcomed him to the Board.

Approve minutes from April 12, 2006 Meeting

Mr. Brown, seconded by Mr. Littlefield made a motion to approve the minutes from the April 12, 2006 board meetings as written, the motion carried unanimously.

Open & Public Meeting PowerPoint

Mr. Ormond conducted a PowerPoint presentation to update the Board on the "Open and Public Meetings Act".

**APPOINTMENTS**

9:30 a.m.-Reber, Keith

Mr. Reber appeared before the Board to review his application for licensure as a Hearing Instrument Specialist. Mr. Ormond informed the Board that on July 22, 2003 Mr. Reber's license to practice as a Marriage and Family Therapist in Oregon was revoked on the basis that his techniques "Do not meet the generally acceptable standards of practice and are not sanctioned by any recognized national professional associations of psychiatrists, psychologists, counselors, social workers or psychiatric nurses". When he was issued his Intern license this action was still pending with the State of Oregon, he was requested to notify the Division of the

final outcome, once it was determined, which he did not do. Mr. Ormond then stated that since Mr. Reber's Intern license was issued there have been three complaints against him:

- 1) His Hearing Instrument Specialist Supervisor had too many interns – it was determined that this was not Mr. Reber's fault – no action was taken. Mr. Reber chose to switch Supervisors.
- 2) Did not notify the Division of the final outcome from the Oregon Board – Mr. Reber submitted the final outcome when he submitted his Hearing Instrument Specialist Application – no action was taken.
- 3) Working without a license – he did not understand that once his license expired he needed to stop working; he had continued to work until a Division Investigator notified him – A Cease & Desist Order issued.

Mr. Ormond then questioned whether having a Marriage and Family Therapist license revoked has a reasonable relationship to the Hearing Instrument Specialist License. Mr. Sharp commented he did not feel that the Oregon charge has any bearing on this license.

Mr. Sharp asked if there were any comments from the guests regarding this issue. Mr. Ball commented that the Board was missing a huge amount of information. He informed the Board that Mr. Reber had lied to the Board at the time of issuance of his Hearing Instrument Intern license, Mr. Reber and Mr. Ball were both named in a Malpractice suit, and that there was a current investigation being conducted by DOPL (Division of Occupational & Professional Licensing) Investigations. Mr. Ormond stated that he had not heard of any open investigations. Mr. Reber explained that he had not lied to the Board regarding any issues, and that he was not at fault with the Malpractice Suite. Mr. Reber then explained that he felt Mr. Ball was making these comments because he was angry that Mr. Reber had quit his job. Mr. Monahan stated he felt that Mr. Ball was trying to "set Mr. Reber up". Mr. Ormond then reviewed 58-1 to determine if any of the allegations would be considered to be unprofessional conduct. It was determined that the Division cannot take any actions on these allegations until they are substantiated.

Mr. Brown explained that he felt that all of these issues should be separated out and be discussed on an individual basis to determine if they were valid reasons

to deny licensure. Mr. Jackson explained that the Board and Division would need to prove Gross Negligence before they could deny licensure to Mr. Reber, since this can not be proven at this time, he recommended issuing licensure. Mr. Brown seconded by Mr. Milligan made a motion to issue licensure, the motion carried unanimously.

9:45 a.m.-Edman, W Brent

Mr. Edman appeared before the Board to review his application for licensure, which he submitted on June 22, 2006. He submitted a complete application with proof of passing all exams. Mr. Mower, seconded by Mr. Littlefield made a motion to issue licensure, the motion carried unanimously.

#### **DISCUSSION ITEMS:**

##### **Rules Hearing Update**

A hearing was held on June 21, 2006 to review the Proposed Rule Changes, which took effect on July 11, 2006. The changes in the Rule included:

- 1) R156-46a-302b was added to define and clarify the Qualifications for Licensure – Internship Supervision Requirements.
- 2) R156-46a-502a was partially re-written to include “failing as a hearing instrument intern supervisor to comply with any of the requirements of Section R156-46z-302d” would constitute “Unprofessional Conduct”.

##### **Examination Review**

Mr. Ormond informed the Board that Thompson Prometric has taken great strides to correct the problems the Division has had with them over the past few months. Ms. Elizabeth Shamu will be the new point of contact. He also explained that the Division would honor the contract they have with Thompson Prometric.

##### **CPE Renewal Issues**

Mr. Ormond explained to the Board that it was decided to perform a random CE (Continuing Education) audit after renewals were completed. Due to the conflict with obtaining CE hours from the September 2006, UAHP (Utah Association of Health Professionals) conference.

##### **Board Requirements – What issues does the Board wish to review at each meeting?**

The Board discussed this issue, with no action taken.

##### **DOPL Investigations Closed Case Review**

A spreadsheet was given to the Board of all Closed Investigative Cases DOPL Investigators has worked on since February 2005. The Board reviewed this document with no further action.

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**CORRESPONDENCE:**

Utah Law & Rule Exam Pass Rates

Mr. Sharp reviewed this document, which shows all licensees who have taken the Utah Hearing Instrument Specialist Law & Rule Exam since the last Board meeting. At the last meeting it was determined this is an important exam to require all licenses to take. It was mentioned that Thompson Prometric should tell all applicants that this is an open book exam. Mr. Ormond explained to the Board that the reasoning behind initially requiring this exam to be taken was to familiarize a licensee with the Laws & Rules with this profession. Mr. Sharp questioned if it would be possible to require a higher passing score. Mr. Ormond stated this is a Board decision. Mr. Ormond then commented that the Board could require a licensee who is disciplined or wishes to reinstate a license, to retake this exam. Mr. Brown and Mr. Littlefield both responded stating they saw no reason to make this change.

**NEXT MEETING:**

October 11, 2006

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DATE APPROVED

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CHAIRPERSON, HEARING INSTRUMENT  
SPECIALIST BOARD

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DATE APPROVED

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BUREAU MANAGER, DIVISION OF  
OCCUPATIONAL & PROFESSIONAL LICENSING